REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed May 26, 2006.

In the Office Action, claims 1, 3-12, 14-23, and 25-33 stand rejected under 35 U.S.C. § 112, claims 12 and 14-22 stand rejected under 35 U.S.C. § 101, and claims 1, 3-12, 14-23, and 25-33 stand rejected under 35 U.S.C. § 103.

Applicant has amended independent claims 1, 12 and 23 to clarify the embodiments of the invention.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 112

Claims 1, 3-12, 14-23, and 25-33 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Further, claims 1, 3-12, 14-23, and 25-33 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In particular, with respect to both the 35 U.S.C. § 112, first and second paragraph rejections, respectively, the Examiner particularly objects to the claim limitations: "allowing a user in communication with the visual browser to **non-explicitly** select the main product.

In order to address the Examiner's concerns, Applicant has amended independent claims 1, 12, and 23 such that these claims now recite: "allowing a user in communication with the visual browser to *non-verbally* select a main product."

As set forth in Applicant's patent application on pages 11-12: "...the visual browser of the present invention allows a user to navigate a virtual store hosted by an ISP, *without needing to express verbally* what they are looking for, and instead provides non-explicit methods for virtual shopping....In particular, after a user picks a main product, the visual browser

automatically presents similar and related products and also possibly non-related products, to the user providing opportunities for the user to view and possibly purchase these other related and non-related products." (Emphasis added.)

Based on the claim amendments, and their clear support in the specification, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 3-12, 14-23, and 25-33 under 35 U.S.C. § 112, first and second paragraphs.

Rejection Under 35 U.S.C. § 101

Claims 12 and 14-22 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Applicant has amended claims 12 and 14-22, as suggested by the Examiner, to recite a "machine-readable storage medium."

Applicant respectfully requests that the Examiner withdraw the rejection of claims 12 and 14-22 under 35 U.S.C. § 101 as lacking patentable utility.

Rejection Under 35 U.S.C. § 103

Claims 1, 3-12, 14-23, and 25-33 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 6,317,722 issued to Jacobi et al. (hereinafter Jacobi) in view of U.S. Patent No. 6,275,821 issued to Danish et al. (hereinafter Danish).

With regards to obviousness, as aptly stated by the Federal Circuit in *In re Kotzab*, 55 U.S.P.Q.2D (BNA) 1313, 1316-1317 (Fed. Cir. 2000):

> Most if not all inventions arise from a combination of old elements. Thus every element of a claimed invention may often be found in the prior art. *However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention.* Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant. (Emphasis added).

Applicant has amended independent claims 1, 12 and 23 such that they all basically recite: upon a user accessing a virtual store having a visual browser via a computer network...*displaying a random assortment of graphical representations of products to the user associated with the virtual store*...creating a plurality of categories...each category identifying an attribute...associating products having at least one attribute with at least one category...allowing a user in communication with the virtual browser *to non-verbally select a main product*...and...*upon the non-verbal selection of the main product, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user.*

Applicant has amended these claims to further clarify the embodiments of the invention.

As set forth in Applicant's patent application on pages 11-12: "the visual browser of the present invention allows a user to navigate a virtual store hosted by an ISP, *without needing to express verbally what they are looking for*, and instead provides non-explicit methods for virtual shopping...In particular, after a user picks a main product, the visual browser automatically presents similar and related products and also possibly non-related products, to the user providing opportunities for the user to view and possibly purchase these other related and non-related products." (Emphasis added).

As set forth in Applicant's Background on pages 2-3 of Applicant patent application: "Currently, most e-commerce virtual shopping experiences rely on users explicitly knowing what they are looking for *and describing it in verbal ways*....For example, most virtual shopping through today's e-commerce web sites requires a user to search for products by *inputting verbal terms*, going down a multitude of different categories, or selecting various product attributes stored in a database to finally find a desired product." (Emphasis added).

The Jacobi reference utilized by the Office Action <u>sets forth the same type of verbal methodology,</u> that Applicants' patent application improves over.

Applicant respectfully submits that nowhere does Jacobi teach or suggest:...allowing a user in communication with the visual browser *to non-verbally select a main product*...and upon

selection of the main product, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user; as set forth in Applicant's amended independent claims 1, 12, and 23.

Therefore, Applicant respectfully submits that Jacobi <u>does not</u> teach or suggest these limitations as set forth in Applicant's amended independent claim 1, 12 and 23.

Further, <u>as the prior Office Action recognizes</u>, on page 8 of the Office Action, the Office Action states: "Jacobi <u>does not</u> explicitly teach displaying <u>a random assortment of graphical representations of products.</u>" (Emphasis added).

Therefore, the Office Action cites the Danish patent as allegedly teaching: "displaying a random assortment of graphical representations of products."

Applicant respectfully disagrees. Applicant respectfully submits that Danish <u>does not</u> teach or suggest these limitations.

Column 6, lines 11-14 of the Danish patent as cited by the Office Action states: "a picture search provides to the user a display of a series of pictures 17, each picture 17 representing either a family cluster 4 or a family of items 1 that are available to be searched."

As defined by the Danish patent at col. 5, lines 33-36, "a family of items 1 could be any commercial product or service offering <u>with a common set of features</u> 5 and alternatives 6, associated therewith." (Emphasis added).

Thus, Danish teaches a picture search containing pictures representing family clusters or families of items <u>that are related.</u>

Danish <u>does not</u> teach or suggest *a random assortment of graphical representations* of products. The products displayed in Danish <u>are not</u> random - but instead are related by family.

Further, Applicant respectfully submits, as to Jacobi, that the methods set forth in Jacobi are <u>clearly to verbal methods and recommendation services</u>, and does not teach or suggest the limitations of Applicant's amended independent claims 1, 12, and 23 generally related

to: ...upon the *non-verbal selection of a main product*, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user.

Instead, Jacobi generally relates to <u>a recommendation service</u> that recommends products or other items to a user based upon a set of items <u>known to be of interest to the user</u>, such as items currently in the user's electronic shopping cart (e.g. See Abstract, lines 1-5, emphasis added). Jacobi particularly relates to a recommendation service to recommend products <u>that are predicted to be of interest to the user</u> based upon the user's known interests, likes, dislikes, etc. (e.g., <u>based upon some sort of user profile and/or based upon verbal input from the user</u>).

In fact, in describing the problem with past recommendation systems, Jacobi states that, "existing systems do not provide a mechanism for recognizing that the user may be searching for <u>a particular type of category or item</u>." (Column 2, lines 26-29, emphasis added). To solve this problem, Jacobi teaches that "the service identifies items that are currently in a user's shopping cart, and uses these items to generate a list of additional items that are predicted to be of interest to the user..." (Abstract).

Danish was merely cited to allegedly show a picture search, however, as previously described, the pictures displayed in Danish are based upon related product families <u>and are not random</u>.

Applicant respectfully submits that the combination of Jacobi and Danish <u>does not</u> teach or suggest the <u>whole invention</u> as set forth by the limitations of Applicant amended independent claims 1, 12 and 23 generally related to: upon a user accessing a virtual store having a visual browser via a computer network...*displaying a random assortment of graphical representations of products to the user associated with the virtual store*...creating a plurality of categories...each category identifying an attribute...associating products having at least one attribute with at least one category...allowing a user in communication with the virtual browser *to non-verbally select a main product*...and...*upon the non-verbal selection of the main product, automatically displaying a plurality of related products having at least one attribute in common with the main product that are selectable for purchase by the user.*

Therefore, Applicant respectfully submits that Jacobi in combination with Danish <u>does</u> <u>not</u> render obvious Applicant's amended independent claims 1, 12 and 23.

Accordingly, Applicant respectfully requests that independent claims 1, 12 and 23 be allowed and passed to issuance, as well as the claims that depend therefrom.

Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1, 3-12, 14-23, and 25-33 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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Sylvia Gaston   09-26-2006

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